Newburyport Superior Court Courthouse

200th Celebration

16 September 2005

Over 17 years ago I came to sit in this courthouse for the first time. I was immediately captivated by the stately, graceful lines of the courthouse, its location on Frog Pond - a kettle hole formed by the melting of a huge fragment of an ancient glacier - the simple beauty of the sun-lit courtroom, and the extraordinary commitment of the people who work here - commitment both to this building and, more importantly, to the public we serve. I knew I had come to a special place.

I keenly felt then, as I do now, that this courthouse resonates with history and I quickly came to appreciate the unique position it occupies in our country's heritage: this brick building has delivered justice continuously longer than any trial court of general jurisdiction in the nation.

In 1805, the year the courthouse was erected, Thomas Jefferson was starting his second term as President and Maine would not be granted statehood for another 15 years. The townspeople of Newburyport hired a noted architect, Charles Bulfinch, who, among other things, designed the state house in Boston and Fanueil Hall, to design and supervise construction of the building. The building Bulfinch designed looked considerably different than it does today. For specifics, I refer you to a history of the courthouse which Judge Richard Welch has written. Judge Welch deserves enormous credit not only for writing that history but also for conceiving the idea for this celebration and chairing the committee which planned it. There is one detail of the original design which I do want to mention. A carved wooden statute of the Lady of Justice, not blindfolded, but holding the scales of justice in her right hand stood atop the roof. She was taken down during building renovations in 1853, wandered anonymously for a number of years from owner to owner, and finally found a home at the Newburyport Custom House Museum where she has been restored and is currently enjoying her refurbished condition.

Being the thrifty folks that they were then, the townspeople of Newburyport used this building for multiple purposes - they held annual meetings here and the lower rooms were used for a girls' summer school. In 1805, the Superior Court had not yet been created but its predecessor - the Court of Common Pleas - held sessions here. The Court of Common Pleas had jurisdiction over criminal matters and civil matters worth more than 40 shillings. The court for each county was composed of "four substantial, discreet, and learned persons . . . ." All of whom, of course, were male.

We don't have good records about the cases the court heard in the early part of the 19th century but as the century progressed we get a clearer picture of what occupied the court's docket, particularly after 1859, the year the Superior Court was created. Animals featured prominently in litigation. Who owned them? Who had stolen them? And what property damage had they caused? Principal accident cases concerned horses; a few involved railroads. Adultery was prosecuted - and often. Liquor nuisance, a crime of illegal sale of intoxicating liquors, accounted for much of the court's docket. Courtroom decorum was expected and enforced. In 1878, one Roy Cameron, after pleading guilty to larceny of a set of surgical instruments, and receiving a sentence of 2 years to the House of Correction, made the mistake of making "remarks barely audible". The judge interpreted this as contempt of court and revised the sentence on the spot to 3 years hard labor in state prison.

In 1891, the Superior Court's criminal jurisdiction was expanded to include homicide or capital cases, as they were known, an area previously reserved for the Supreme Judicial Court. Trials were held before three justices. Newburyport was considered particularly well suited to try homicides because of its single courtroom and location and over the years many murder cases have been tried here.

My own experience here has been a microcosm of the rich diversity of subjects over which the Superior Court has jurisdiction-homicides, medical malpractice cases, commercial disputes. The courthouse has also had its share of attempted escapes by defendants - some in dramatic fashion. I recall a defendant who attempted to escape or perhaps commit suicide, by diving head first out of a closed

window in the lock up in the rear of the courtroom, a fall of 25 feet or more. One of our court officers, a former Olympic wrestler, tackled him and saved him from what surely would have been a dire fate.

Apart from a few unhappy defendants I believe that this courthouse has a positive and uplifting effect on everyone who enters - anxious litigants are reassured by the dignified setting, attorneys bring out their best legal skills, jurors appreciate the solemnity and responsibility of their duty, court staff help each other in unprecedented and unexpected ways. I remember with fondness the times when we've all pitched in to wash the chandeliers - passing the hurricane lamps down from their perch to someone who washed them in a bucket of soapy water, then passed to someone who rinsed and dried them. The lamp then went back up the ladder to shine ever brighter. I have always felt that sitting in this courthouse made me a better judge. I had a greater supply of patience, judicial restraint was more frequently attained, and I found listening - active listening - the core of every judge's job - somehow easier.

I am not the only one who has found inspiration here. Harlan Fiske Stone - who served as the 12th Chief Justice of the United States Supreme Court from 1941 - 1946, came to this courthouse to observe cases when he was teaching at Newburyport High School. He later said it was experiences in this courthouse which inspired him to get into law. Legal luminaries such as John Quincy Adams, Daniel Webster, Rufus Choate, and Caleb Cushing all argued cases here.

Preservation of this magnificent edifice and other historic courthouses is a responsibility and obligation of all of us because they are vital links to our past and enduring symbols of justice. We must cherish these buildings as centerpieces of our democracy. We owe it to ourselves and to all who come after.